

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dave B. Lundahl

Examiner: Tran A, Phi Dieu N

Serial No.: 09/326,405

Group Art Unit: 3637

Filed: June 4, 1999

Docket: INOV.01US01

Title: IMPROVED WINDOW SCREEN SYSTEM

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APPEAL BRIEF

Sir:

Applicant has filed a timely Notice of Appeal on 23 December 2003 from a Final Action by the Examiner, mailed 2 October 2003, finally rejecting Claims 11 through 33 in the above identified application. This Appeal Brief is being filed under the provisions of 37 C.F.R. 1.192.

REAL PARTY IN INTEREST

The real party in interest in this application is Inovadeas, LLLP, a Limited Liability Partnership organized and existing under the laws of the State of Colorado, having an address at 4408 Greyfox, Fort Collins, Colorado.

RELATED APPEALS AND INTERFERENCES

None.

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STATUS OF THE CLAIMS

Claims 11-33 are pending in the application and are on appeal.

Claims 11-13, 15-18, 20-23, 25-28 and 30-33 are rejected under 35 U.S.C. § 103 (a), as being unpatentable over Kehne (2,713,896) in view of Lazarek (3,753,458).

Claims 14, 19, 24 and 29 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kehne (2,713,896) in view of Lazarek (3,753,458) and further in view of Jones et al (5, 365,707).

Claims 11 through 33 are attached as Appendix A to this Appeal Brief.

STATUS OF AMENDMENTS

Amendment D, the last Amendment filed in this Application on July 15, 2003, was entered in this application.

SUMMARY OF THE INVENTION

In brief, present invention comprises a window system with a removable screen that includes a window fixed frame, a window moving sash and a screen attached directly to the fixed frame by a hook and loop fastener between the fixed frame and the closed movable sash. The movable sash is operable to swing about an axis to open and close, while the screen is in place, and provides screening for the fixed frame. Such a window may be a conventional casement window or other swinging window style.

ISSUES

The issues presented by this appeal are:

1. Whether claims 11-13, 15-18, 20-23, 25-28 and 30-33 are unpatentable under 35 U.S.C. 103 (a) over Kehne (2,713,896) in view of Lazarek (3,753,458).
2. Whether claims 14, 19, 24, and 29 are unpatentable under 35 U.S.C. 103 (a) over Kehne (2,713,896) in view of Lazarek (3,753,458) and further in view of Jones et al (5, 365,707).

GROUPING OF CLAIMS

1. Applicant does not accept the Examiner's grouping of claims 11-13, 15-18, 20-23, 25-28 and 30-33 for the rejection of the claims under 35 U.S.C. 103 (a) as being unpatentable over Kehne (2,713,896) in view of Lazarek (3,753,458). Applicant asserts that there are two groups, i.e., Group I which includes claims 11-13, 15-18, 21-23, 26-28 and 30-33, and Group II which includes claims 20 and 25. The claims of these two groups present different limitations that are separately patentable over the references. Claims 20 and 25 include the further limitation of the hook and loop fastener being engaged by the moving sash which is separately patentable over the Group I claims.

2. Applicant accepts the Examiner's grouping of claims 14, 19, 24 and 29 for the rejection under 35 U.S.C. 103 (a) over Kehne (2,713,896) in view of Lazarek (3,753,458) and further in view of Jones et al (5, 365,707).

ARGUMENT

1. **The rejection of claims 11-13, 15-18, 20-23, 25-28 and 30-33 under 35 USC 103 (a) as being unpatentable over Kehne (2,713,896) in view of Lazarek (3,753,458) is improper because the claim limitations are not rendered obvious by the references. Claims 11, 16, 21, 26, 31, 32 and 33 are independent claims.**

Kehne Reference

Kehne discloses a casement window having a sash frame that is usually mounted for swinging movement about a vertical axis. Kehne discloses a screen 28 that is mounted in a rigid frame 27, which in turn, is mounted against the jambs 26 of the window.

Kehne states in column 1, lines 60-62, that the window system contains a “provision of means for supporting a screen substantially within the confines of the fixed frame member in a more or less permanent manner.”

Kehne Teaches Away from the Use of a Removable Screen

Kehne clearly teaches away from a removable screen, as set forth in the Appellant’s claims, by stating that the screen is attached in a “more or less permanent manner” in a “fixed frame member” (emphasis added). Webster’s New World Dictionary, Second College Edition, defines “more or less” as “approximately.” There is no other teaching in Kehne with regard to the “more or less permanent” disposition of the Kehne screen. A reference that teaches away from an invention may not properly be used in framing a 35 USC 103 rejection of claims to that invention. See United States v. Adams, 148 USPQ 429 (Sup. Ct. 1966). It is therefore improper to combine Kehne with another reference to show a removable screen because Kehne teaches away from the concept of a removable screen.

All of Appellant’s independent claims specifically claim a “removable screen.”

Lazarek Reference

Lazarek discloses a window screen that is mounted, as shown in figure 1, around the frame of the interior portion of a sliding car window. A female portion of Velcro strip 20 is attached to the interior portion of the window frame with pile tape. The male portion of the Velcro strip 10 is attached to the screen 30. The screen can then be attached around the window frame of a car window by mating the female Velcro strip 20, that is mounted on the car window frame, with the male Velcro strip 10, that is mounted to the screen 30.

Lazarek Teaches Away From The Use of A Permanent Screen

Lazarek, on the other hand, specifically teaches away from the use of a permanent screen such as that disclosed in Kehne. Lazarek at column 1, lines 20-27 states:

Permanently attached screens to the automobile windows are undesirable in that they impair visibility and are probably not necessary in view of the fact that insect annoyance is a serious problem only when the automobile is parked, because when the vehicle is moving the rush of air past the vehicle is sufficient to prevent insects from entering a moving automobile.

Hence, Lazarek teaches the use of a removable screen and states that permanently attached screens are undesirable.

The Combination Would Require a Change in Principle of Operation of the References

The teachings of these references with respect to permanent or removable screens are inconsistent, and a combination of these references would necessarily require a change in the principle of operation of the references. Because the principles of operation taught by Kehne and Lazarek are substantially different, the problems and solutions of mounting the screens are substantially different. As pointed out above, Lazarek teaches a process of mounting of a window screen on the interior portion of the frame of a car window which can be easily installed or removed from the interior of the car, while Kehne teaches permanently mounting a fixed screen having a rigid frame on the exterior portion of the window between the fixed frame and a moving sash, which may not be easily accessible. In other words, Kehne teaches that the screen must be held in a fixed frame and permanently attached to the outer portion of the frame, while Lazarek teaches the use of a removable screen that attaches to the interior portion of the window for easy access and has a non-rigid frame. If the window screen of Lazarek were to be applied to a casement window in the manner that Lazarek requires, i.e., mounting the screen to the interior portion of the window frame to make it accessible, the crank and latching mechanisms of a casement window would interfere with the screen. Such a combination would result in an inoperable system. To attach the screen to the exterior portion of the window, as taught by Kehne, would make the screen less accessible and harder to mount, which is contrary to the teachings of Lazarek. Of course, inaccessibility and difficulty in mounting a fixed screen are not issues that are of importance to Kehne, since

Kehne has a permanent screen in a “fixed frame.” In either case, a change in the principle of operation of the references would be required to make the suggested combination.

A Lack of Motivation For Combining Kehne and Lazarek

A. Kehne only teaches the use of a rigid frame.

Kehne teaches the use of a rigid frame and makes no suggestion or teaching of the use of a non-permanent, non-rigid frame. All of Appellant’s independent claims recite a removable screen that does not have a substantially rigid peripheral frame. For example, claims 11 and 21 recite “without a substantially rigid peripheral frame.” Claim 16 recites “not having a substantially rigid peripheral frame.” Claims 26, 32 and 33 recite “a removable screen that does have a substantially rigid peripheral frame.” Claim 31 recites “said removable screen not being mounted on a substantially rigid frame.”

Numerous benefits accrue from the use of a non-rigid frame, as set forth in the application and the attached Declarations of Appendix B and Appendix C. For example, expensive and fragile aluminum screen frames are eliminated using the hook and loop fastener system of the claimed invention. Aluminum frame screens over 5 feet wide generally require additional support members to prevent sagging. The present invention provides screens that do not require additional support for wide screens and that do not sag. Also, it is difficult to manufacture aluminum frames that will fit curved and oddly shaped windows. Such is not the case with the hook and loop fastener system of the present invention. In addition, aluminum frames typically corrode and become unsightly in salt-water environments. Corrosion does not occur with the hook and loop fastener of the present invention. Further, the hook and loop fastener system has more aesthetic value than aluminum frames. None of these advantages or beneficial results are suggested or taught, in any fashion, by the references of record. As such, there is no motivation to combine the references

In order to combine references in an obviousness rejection, a showing of a suggestion, teaching, or motivation to combine the prior art references is an “essential evidentiary

component of an obviousness holding.” C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232(Fed. Cir. 1998). This evidence may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. See Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996). However, the suggestion more often comes from the teachings of the pertinent references. See In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459(Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not “evidence.” See Dembiczak, 175 F.3d at 1000, 50 USPQ2d at 1617. However, the suggestion to combine need not be express and “may come from the prior art, as filtered through the knowledge of one skilled in the art.” Motorola, Inc. v. Interdigital Tech. Corp., 121 F.3d 1461, 1472, 43 USPQ2d 1481, 1489(Fed. Cir. 1997). See Brown & Williamson Tobacco Corp. v. Philip Morris Inc., 56 USPQ2d 1460 (CA FC 2000).

B. The teachings of Kehne and Lazarek conflict.

There is no motivation to combine Kehne and Lazarek because of the conflicting teaching of these references. Kehne only discloses the use of a permanent screen, and there is no suggestion in Kehne of the use of a removable screen. Lazarek, on the other hand, clearly does not suggest any method for “mounting the screen in a permanent manner” as set forth in Appellant’s claims. In fact, Lazarek specifically teaches away from the use of a permanent screen, as pointed out above. Further, Lazarek teaches the use of a removable screen on the interior of a sliding car window, which is much different from the swinging casement window of Kehne. There is no suggestion in either reference of combining these two disparate applications for screens. As such, the Examiner has not met the burden of showing a motivation to combine the prior art references, which is an “essential evidentiary component of an obviousness holding.” C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232(Fed. Cir. 1998) (emphasis added).

Recognition of Problem

The problem solved by the presently claimed invention is not recognized in the art. Kehne clearly did not recognize any need for a replaceable screen in a casement window system. Lazarek, while providing a replaceable screen, does not recognize the problems associated with providing such a screen on a casement window. Failure to recognize the problem solved by the invention is further evidence of lack of obviousness in combining the references.

2. The rejection of claims 20 and 25 under 35 USC 103 (a) over Kehne (2,713,896) in view of Lazarek (3,753,458) is improper because the claim limitations are not rendered obvious by the references. Claims 20 and 25 are dependent claims.

Claims 20 and 25 recite an additional limitation in which the removable screen is mounted between the fixed frame and the moving sash such that the moving sash is in contact with the removable screen when the moving sash is in the closed position such that the hook and loop fastener is engaged. These claims set forth an additional beneficial aspect of the invention which is that the frame and the sash can cause contact with the removable screen that causes the hook and loop fasteners to be engaged as a result of a force created by the contact with the removable screen.

There is no suggestion, teaching, of any type, whatsoever in the references of utilizing the moving sash to engage the hook and loop fasteners. This limitation set forth in claims 20 and 25 is considered to patentably distinguish over the references of record for all the reasons set forth with respect to the arguments presented above in section number 1 and for the additional reasons that the references fail to disclose, teach or even suggest this novel and unique limitation.

3. The rejection of claims 14, 19, 24 and 29 under USC 103 (a) over Kehne (2,713,896) in view of Lazarek (3,753,458) and further in view of Jones et al (5, 365,707) is improper because the claim limitations are not rendered obvious by the references.

Jones discloses an architectural element, such as a gable vent, which is mounted to a wall or surface by use of an attachment frame and clips that engage to secure the element to the frame. Jones discloses an octagonal shaped element in addition to a rectangular element.

Jones does not disclose a “removable” element. Nor does Jones disclose a “screen” element. The fastening mechanism of Jones is limited to a clip that engages a resilient portion of the element such that the element cannot be removed from the frame, Jones does not mention a “hook and loop fastener” of any type.

Other than showing a non-rectangular architectural element, Jones fails to add anything new to the teachings of Kehne or Lazarek and fails to make up for the deficiencies of these references.

**COMMERCIAL SUCCESS OF THE INVENTION AS APPLIED TO ALL OF
THE REJECTIONS LISTED ABOVE**

The Board’s attention is directed to the 35 CFR 1.132 declarations of Mr. Randy Helzer (Appendix B) and Mr. Michael Thompson (Appendix C), which describe advantages of the claimed invention and tie these advantages to actual sales made by a licensee of the invention, i.e., Point Five Windows. Point Five Windows has been a licensee of the present technology since 1998, when the parent provisional application of the present patent application was filed.

Mr. Helzer is Vice President for Marketing and Sales at Point Five Windows. Mr. Helzer states that the Frameless Velcro Screen System as sold by Point Five Windows includes all of the limitations of the amended claims as set forth in Amendment D, which are the claims presented in the Appeal.

Mr. Helzer specifically states that the Frameless Velcro Screen System has competitive advantages over window systems with framed screens. Mr. Helzer states that a specific contract for \$720,000 was awarded in large part because the Frameless Velcro Screen System eliminates the aluminum frame screen that corrodes in salt-water environments. Mr. Helzer also points out other advantages which include the elimination of the fragile and expensive aluminum frames, the elimination of supports in frame screens over 5 feet wide, elimination of the difficulty in manufacturing and fitting frame screens to curved and oddly shaped windows, elimination of the corrosion of aluminum frames in salt-water environments and the aesthetic value of the Frameless Velcro Screen System over aluminum framed screens.

The Declaration of Michael Thompson indicates that he was the architect for Lipkin Warner Design and Planning, LLC. Mr. Thompson indicates that a \$580,000 contract for residential windows was awarded in part due to the Frameless Velcro Screen System because he specifically did not want conventional framed screens to be used in that project and that the Frameless Velcro Screen System offered aesthetic and functional differences over conventional framed screens.

These affidavits clearly establish that, at least, specific sales were made which were due in part to the Frameless Velcro Screen System, that includes all the limitations of the independent claims in this appeal.

CONCLUSION

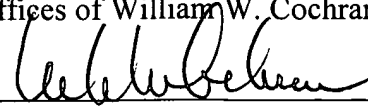
In view of the foregoing, Appellant submits that claims 11-33 are allowable and respectfully request that the rejection of claims 11-33 by the Examiner be reversed by the Board.

Dated this 23rd day of February 2004.

Respectfully submitted,

Law Offices of William W. Cochran, LLC

By: _____


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APPENDIX A**Listing of Claims**

- 1-10. (Previously cancelled)
11. An operable window system with a removable screen comprising:
- a fixed frame;
 - a moving sash connected to said fixed frame and operable to substantially swing about an axis with respect to said fixed frame from an open position to a closed position; and
 - a removable screen without a substantially rigid peripheral frame removably connected to said fixed frame with hook and loop fasteners, said removable screen mounted between said fixed frame and said moving sash.
12. The operable window system of claim 11 wherein said axis is substantially vertical.
13. The operable window system of claim 11 wherein said axis is substantially horizontal.
14. The operable window system of claim 11 wherein said window system is non-rectangular.
15. The operable window system of claim 11 wherein the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash.

16. An operable window system with a removable screen comprising:
- a fixed frame means for holding a window;
 - a moving sash means, connected to said fixed frame means, and operable to substantially swing about an axis with respect to said fixed frame means from an open position to a closed position; and
 - a removable screen means, removably connected to said fixed frame means with hook and loop fastening means, said removable screen means mounted between said fixed frame and said moving sash means, said removable screen means not having a substantially rigid peripheral frame.
17. The operable window system of claim 11 wherein said axis is substantially vertical.
18. The operable window system of claim 11 wherein said axis is substantially horizontal.
19. The operable window system of claim 11 wherein said window system is non-rectangular.
20. The operable window system of claim 11 wherein said removable screen means is mounted between said fixed frame and said moving sash means such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener means is engaged.
21. A method of manufacturing an operable window system comprising:
- providing a fixed frame;

providing a moving sash having a frame portion;

providing a hinge mechanism adapted to allow said moving sash to move in a substantially rotational motion relative to said fixed frame;

providing a removable screen without a substantially rigid peripheral frame;

providing a hook and loop fastener system having a hook portion and a loop portion;

attaching at least one of said hook portion and said loop portion of said hook and loop fastener system to said removable screen;

attaching at least one of said hook portion and said loop portion of said hook and loop fastener system, that is not attached to said screen portion, to said fixed frame in a location between said frame portion and said fixed frame;

attaching said moving sash to said fixed frame with said hinge mechanism in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

attaching said removable screen directly to said fixed frame using said hook and loop fastener system in said location between said frame portion and said fixed frame.

22. The method of claim 11 wherein said axis is substantially vertical.

23. The method of claim 11 wherein said axis is substantially horizontal.
24. The method of claim 11 wherein said window system is non-rectangular.
25. The method of claim 11 wherein said removable screen means is mounted between said fixed frame and said moving sash means such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener means is engaged.
26. An operable window system manufactured by the process comprising:
 - providing a fixed frame;
 - attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and
 - attaching a removable screen that does not have a substantially rigid peripheral frame to said fixed frame using a hook and loop fastener, such that said removable screen is mounted between said fixed frame and said moving sash.
27. The operable window system of claim 11 wherein said axis is substantially vertical.
28. The operable window system of claim 11 wherein said axis is substantially horizontal.
29. The operable window system of claim 11 wherein said window system is non-rectangular.

30. The operable window system of claim 11 wherein the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash.
31. An operable window system with a removable screen comprising:
- a fixed frame;
 - a moving sash connected to said fixed frame and operable to substantially swing about an axis with respect to said fixed frame from an open position to a closed position; and
 - a removable screen removably and directly connected to said fixed frame with hook and loop fasteners, said removable screen not being mounted on a substantially rigid frame, said removable screen mounted between said fixed frame and said moving sash such that said removable screen covers a window opening defined by said fixed frame when said moving sash is in said open position.
32. A method of manufacturing an operable window system comprising:
- providing a fixed frame;
 - attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and
 - attaching a removable screen that does not have a substantially rigid peripheral frame directly to said fixed frame using a hook and loop fastener,

such that said removable screen is mounted between said fixed frame and said moving sash.

33. An operable window system manufactured by the process comprising:

providing a fixed frame;

attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

attaching a removable screen that does not have a substantially rigid peripheral frame directly to said fixed frame using a hook and loop fastener, such that said removable screen is mounted between said fixed frame and said moving sash.

APPENDIX B

Signed copy of Randy Helzer's Declaration under 37 CFR 1.132

Declaration under 37 CFR 1.132

I, Randy Helzer, declare as follows:

1. That I am currently the Vice President for Marketing and Sales for Point Five Windows, a licensee of technology disclosed and claimed in the United States Patent Application Serial Number 09/326,405 for a Frameless Velcro Screen System invented by Mr. Dave Lundahl;
2. That Mr. Dave Lundahl is President and part owner of Point Five Windows;
3. That I have held the position of Vice President for Marketing and Sales for Point Five Windows for a period of approximately 2 years and have been an employee of Point Five Windows for approximately 14 years;
4. That as part of my job responsibilities, I closely monitor industry trends by attending trade shows and by working closely with architects and builders;
5. That Point Five Windows is a manufacturer of avant-garde windows typically serving a very elite, high end market, specializing in unique solutions to very unique requirements with about 60 employees;
6. That the Frameless Velcro Screen System includes a casement window having a fixed frame, a moving sash connected to the fixed frame and operable to swing substantially about an axis with respect to the fixed frame, and a removable screen connected to the fixed frame with a hook and loop fastener system;
7. That the screen of the Frameless Velcro Screen System is mounted with the hook and loop fasteners between the fixed frame and the moving sash;
8. That I have reviewed the claims of United States Patent Application Serial Number 09/326,405 attached hereto as Exhibit A and it is my belief that the Frameless Velcro Screen System includes all of the limitations of these claims;
9. That the Frameless Velcro Screen System has specific advantages over conventional framed screens that are a competitive advantage for our company as a licensee;

10. That one of the competitive advantages of the Frameless Velcro Screen System is that screen frames are eliminated from the window system;
11. That conventional screen frames with spans in excess of five feet require support members to prevent the conventional screen frames from sagging or bowing into the viewing area, and such conventional screen frames are highly susceptible to damage during installation;
12. That in cases where a span of five feet or greater exists, Point Five Windows has successfully sold the Frameless Velcro Screen System;
13. That conventional screen frames are difficult to manufacture for windows having curved or other oddly shaped profiles;
14. That in cases where a window opening has curved or other oddly shaped profiles, Point Five Windows has successfully sold the Frameless Velcro Screen System;
15. That Point Five Windows has been the exclusive licensee of the Frameless Velcro Screen System since 1998, and Point Five Windows has sold over \$6,300,000 in 15 major orders of window systems that include the Frameless Velcro Screen System;
16. That conventional screen frames are typically manufactured from aluminum and may corrode when exposed to salt spray and other weather elements;
17. That the Frameless Velcro Screen System does not have a conventional screen frame and does not corrode;
18. That in 1999, Point Five Windows completed a contract for in excess of \$720,000.00 for windows and doors for use in a salt water environment in the Bahamas;
19. That the \$720,000.00 contract was awarded in large part specifically because the Frameless Velcro Screen System eliminated the conventional aluminum screen frame that would have been susceptible to deterioration in the harsh salt air environment of the Bahamas;

20. That another competitive advantage of the Frameless Velcro Screen System is that the screen design is much less visually intrusive than conventional window screen frames for casement windows;

21. That in 2002, Point Five Windows was awarded a contract for in excess of \$580,000.00 for casement type windows due in part to the aesthetic value of the Frameless Velcro Screen System;

22. That the architect for the above mentioned \$580,000.00 contract selected the Frameless Velcro Screen System specifically because the screen was mounted between the fixed frame and moving sash for a casement window;

23. That the architect specifically did not want a conventional screen frame that is typically mounted on the exterior frame of an in-swing casement window;

24. That the Frameless Velcro Screen System is a very important asset to Point Five Windows and a competitive advantage to Point Five Windows over other window systems that do not have the aesthetic and functional advantages of eliminating the conventional screen frame;

25. That I further declare that all statements made herein are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Executed this 7 day of July 2003.

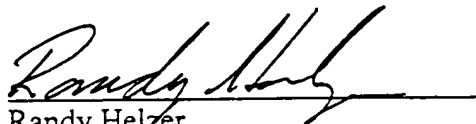

Randy Helzer

Exhibit A
Listing of Claims

1-10 (Previously cancelled)

11. (Currently Amended) An operable window system with a removable screen comprising:

a fixed frame;

a moving sash connected to said fixed frame and operable to substantially swing about an axis with respect to said fixed frame from an open position to a closed position; and

a removable screen without a substantially rigid peripheral frame removably connected to said fixed frame with hook and loop fasteners, said removable screen mounted between said fixed frame and said moving sash ~~such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener is engaged.~~

12. (Previously Added) The operable window system of claim 11 wherein said axis is substantially vertical.

13. (Previously Added) The operable window system of claim 11 wherein said axis is substantially horizontal.

14. (Previously Added) The operable window system of claim 11 wherein said window system is non-rectangular.

15. (Previously Added) The operable window system of claim 11 wherein the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash.

16. (Currently Amended) An operable window system with a removable screen comprising:

a fixed frame means for holding a window;

a moving sash means, connected to said fixed frame means, and operable to substantially swing about an axis with respect to said fixed frame means from an open position to a closed position; and

a removable screen means, removably connected to said fixed frame means with hook and loop fastening means, said removable screen means mounted between said fixed frame and said moving sash means ~~such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener means is engaged,~~ said removable screen means not having a substantially rigid peripheral frame.

17. (Previously Added) The operable window system of claim 11 wherein said axis is substantially vertical.
18. (Previously Added) The operable window system of claim 11 wherein said axis is substantially horizontal.
19. (Previously Added) The operable window system of claim 11 wherein said window system is non-rectangular.
20. (Currently Amended) The operable window system of claim 11 wherein ~~the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash~~ said removable screen means is mounted between said fixed frame and said moving sash means such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener means is engaged.
21. (Currently Amended) A method of manufacturing an operable window system comprising:
 - providing a fixed frame;
 - providing a moving sash having a frame portion:
 - providing a hinge mechanism adapted to allow said moving sash to move in a substantially rotational motion relative to said fixed frame:
 - providing a removable screen without a substantially rigid peripheral frame:
 - providing a hook and loop fastener system having a hook portion and a loop portion:

attaching at least one of said hook portion and said loop portion of said hook and loop fastener system to said removable screen;

attaching at least one of said hook portion and said loop portion of said hook and loop fastener system, that is not attached to said screen portion, to said fixed frame in a location between said frame portion and said fixed frame;

attaching a said moving sash to said fixed frame with said hinge mechanism in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

attaching a said removable screen directly to said fixed frame using a said hook and loop fastener system in said location between said frame portion and said fixed frame, ~~such that said removable screen is mounted between said fixed frame and said moving sash such that said moving sash is in contact with said removable screen when said moving sash is in said closed position.~~

22. (Currently Amended) The ~~operable window system~~ method of claim 11 wherein said axis is substantially vertical.
23. (Currently Amended) The ~~operable window system~~ method of claim 11 wherein said axis is substantially horizontal.
24. (Currently Amended) The ~~operable window system~~ method of claim 11 wherein said window system is non-rectangular.
25. (Currently Amended) The ~~operable window system~~ method of claim 11 wherein ~~the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash~~ said removable screen means is mounted between said fixed frame and said moving sash means such that said moving sash is in contact with said removable screen when said moving sash is in said closed position such that said hook and loop fastener means is engaged.
26. (Currently Amended) An operable window system manufactured by the process comprising:

providing a fixed frame;

attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

attaching a removable screen that does not have a substantially rigid peripheral frame to said fixed frame using a hook and loop fastener, such that said removable screen is mounted between said fixed frame and said moving sash ~~such that said moving sash is in contact with said removable screen when said moving sash is in said closed position.~~

27. (Previously Added) The operable window system of claim 11 wherein said axis is substantially vertical.
28. (Previously Added) The operable window system of claim 11 wherein said axis is substantially horizontal.
29. (Previously Added) The operable window system of claim 11 wherein said window system is non-rectangular.
30. (Previously Added) The operable window system of claim 11 wherein the portion of said moving sash in contact with said removable screen is said frame portion of said moving sash.
31. (Currently Amended) An operable window system with a removable screen comprising:

a fixed frame;

a moving sash connected to said fixed frame and operable to substantially swing about an axis with respect to said fixed frame from an open position to a closed position; and

a removable screen removably and directly connected to said fixed frame with hook and loop fasteners, said removable screen not being mounted on a substantially rigid frame, said removable screen mounted between said fixed frame and said moving sash such that said removable screen covers a window opening defined by said fixed frame when said moving sash is in said open position.

32. (Currently Amended) A method of manufacturing an operable window system comprising:

providing a fixed frame;

attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

attaching a removable screen that does not have a substantially rigid peripheral frame directly to said fixed frame using a hook and loop fastener, such that said removable screen is mounted between said fixed frame and said moving sash ~~such that said screen covers a window opening defined by said fixed frame when said moving sash is in said open position.~~

33. (Currently Amended) An operable window system manufactured by the process comprising:

providing a fixed frame;

attaching a moving sash to said fixed frame in such a manner that said moving sash substantially rotates about an axis with respect to said fixed frame from an open position to a closed position; and

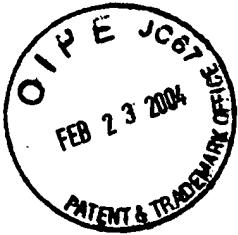
attaching a removable screen that does not have a substantially rigid peripheral frame directly to said fixed frame using a hook and loop fastener, such that said removable screen is mounted between said fixed frame and said moving sash ~~such that said screen covers a window opening defined by said fixed frame when said moving sash is in said open position.~~

APPENDIX C

Michael Thompson's Declaration under 37 CFR 1.132

Declaration under 37 CFR 1.132

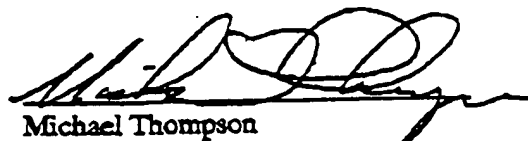
I, Michael Thompson, declare as follows:



1. That I am currently an architect at Lipkin Warner Design and Planning, LLC of Basalt, Colorado;
2. That in 2002, Lipkin Warner Design and Planning, LLC supported a contract award to Point Five Windows in excess of \$580,000.00 for numerous windows for a residence project;
3. That I worked with Mr. Randy Helzer of Point Five Windows on the above mentioned residence project;
4. That Point Five Windows used a Frameless Velcro Screen System on numerous casement windows on the above mentioned residence project;
5. That the Frameless Velcro Screen System supplied by Point Five Windows is a casement window having a fixed frame, a moving sash connected to the fixed frame and operable to swing substantially about an axis with respect to the fixed frame, and a removable screen connected to the fixed frame with a hook and loop fastener system;
6. That the screen of the Frameless Velcro Screen System is mounted between the fixed frame and the moving sash;
7. That the award to Point Five Windows was due in part to the Frameless Velcro Screen System;
8. That I specifically did not want a conventional screen having a frame that is typically mounted on a casement window for the above mentioned project;
9. That Lipkin Warner Design and Planning, LLC supported the \$580,000.00 contract award to Point Five Windows based in part on the fact that the Frameless Velcro Screen System offered aesthetic and functional differences over any other known solution, which included conventional screen frames;
10. That I further declare that all statements made herein are believed to be true, and that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Executed this 13TH day of June 2003.



Michael Thompson